

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND**

WARDA BENNOUR

Plaintiff,

v.

WASHINGTON METROPOLITAN  
AREA TRANSIT AUTHORITY,

Defendant.

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CASE NO. 19-2862

**ANSWER OF DEFENDANT WMATA**

Comes now Defendant WMATA, by and through the undersigned counsel, and answers the Complaint as follows:

**FIRST DEFENSE**

The Complaint fails to state a cause of action against upon which relief may be granted.

**SECOND DEFENSE**

WMATA answers Plaintiff's paragraphs as follows:

2. Denied.
3. Plaintiff's paragraph 3 is denied. However, WMATA states it is an interstate compact agency and instrumentality of the District of Columbia, the State of Maryland and the Commonwealth of Virginia, providing mass transportation in all three jurisdictions.
4. Denied.
5. Denied.
6. To the extent Paragraph 6 states an incomplete or incorrect legal conclusion, no answer is required. To the extent and answer is required, denied.

7. Denied.

8. Denied.

### **THIRD DEFENSE**

The Plaintiff's claims are barred by the doctrine of contributory negligence.

### **FOURTH DEFENSE**

The Plaintiff's claims are barred by the doctrine of assumption of the risk.

### **FIFTH DEFENSE**

The Plaintiff's claims are barred, in whole or in part, by WMATA's governmental or sovereign immunity under applicable law.

### **SIXTH DEFENSE**

The Plaintiff's claims are barred, in whole or in part, by the WMATA Compact, codified in Maryland at Md. Code Ann., Transportation Article, 10-204.

### **SEVENTH DEFENSE**

The Defendant reserves the right to defend this action upon the basis of the Plaintiff's failure to mitigate her damages.

### **EIGHTH DEFENSE**

WMATA is not subject to pre-judgment interest under applicable law.

### **NINTH DEFENSE**

If the Plaintiff was injured as alleged in the complaint, her injuries, if any, were the sole result of the acts of a person or persons other than WMATA or WMATA's servants, agents, or employees acting within the scope of their employment.

Defendant WMATA intends to right to rely upon any and all defenses available from the

evidence presented at the trial of this action, including, but not limited to, failure to mitigate damages, and reserves the right to assert such defenses at that time.

Further answering the Complaint, Defendant denies all allegations of improper conduct, and further denies all allegations not specifically admitted or otherwise answered.

WHEREFORE, WMATA, having fully answered the Complaint, prays that the same be dismissed with costs assessed against the Plaintiff.

Respectfully submitted,

WASHINGTON METROPOLITAN AREA  
TRANSIT AUTHORITY

/s/ Nicholas L. Phucas  
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**JURY DEMAND**

The Defendant demands a trial by jury.

/s/ Nicholas L. Phucas  
Nicholas L. Phucas, #25678

**CERTIFICATE OF SERVICE**

I certify that a true copy of the foregoing Answer was served via U.S. Mail, postage pre-paid, this 30th day of September 2019, to:

William L. Kohler, Jr.  
7307-B Hanover Parkway  
Greenbelt, MD 20770

/s/ Nicholas L. Phucas  
Nicholas L. Phucas, #25678